

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9672 of 2004

Between:

Kunathi Benarjeeva Rao @Benarjee S/o Devendrudu
C/o Sampurna Medical Stores, Bhadrachalam, Khamman District
..... PETITIONER

AND

- 1 The Circle Inspector of Police Bhadrachalam, Khamman District
- 2 The Station House Officer P.S.Kunavaram, Khammam District,
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the respondents police in interfering with the liberty of the petitioner and interfering in day to day affairs of the petitioner is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents and their staff not to harass the petitioner in any manner

For the Petitioner : MR.KOWTURU VINAYA KUMAR,Advocate

For the Respondent Nos.1 and 2 : GP FOR HOME

The Court at the admission stage made the following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in interfering with his day-to-day life and

threatening that he would be involved in the crime registered with reference to the death of one Sri Kavalam Bapanna Dora.

2. According to the petitioner, the respondent-police authorities are visiting the petitioner's premises residential as well as business and interfering with his day-to-day affairs causing inconvenience as well as harassment to the petitioner. Therefore, the petitioner has come up with the present writ petition seeking appropriate writ against the respondents.

3. After issuing notice to the respondents, the Sub Inspector of Police of the second respondent Police Station has filed a counter disputing the allegations, and further stated that the alleged accused in Crime No.8 of 2004 were arrested and A2 in his statement confessed that he is driver of the petitioner and therefore the petitioner was requested to gather information about the said accused. This itself shows that the respondents have been interfering with the petitioner's affairs by disturbing him as well as directing him to make enquiries about the accused, which is not the business of the petitioner and it is only for the respondent-authorities to conduct enquiries and get information. In the counter, it is also denied that they have harassed the petitioner and interfered with his liberty and peace. Therefore, the respondents stated that false averments have been made only for filing the writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Pleader.

5. The learned counsel for the petitioner contended that just for fun the petitioner may not have approached this Court seeking relief against the respondents. Further, the very admission of the respondent that the petitioner was asked to gather information about the accused itself shows that the respondents have been interacting

with the petitioner, which is not warranted.

6. In view of the above stated facts, there is some truth in the allegations made by the petitioner. Though the respondents have denied in the counter, there is an admission that the respondents have approached the petitioner with a request to gather information about the accused. The said admission is sufficient to show that the respondents have approached the petitioner. To the extent of information required from the petitioner, the respondents can approach him and gather that information. But the respondents have no business to direct the petitioner to gather any information. It is not the business of the petitioner to get the information required by the respondents. It is for the respondents to make necessary investigation and gather information on their own and not through the persons like the petitioner.

7. Under the above circumstances, the respondents are directed not to interfere with the personal life and liberty of the petitioner as well as with his business. The respondents are also further directed not to direct the petitioner or any other citizen for collection of any information with reference to the accused in respect of the cases registered with the respondents.

8. Accordingly, the writ petition is dismissed with the above directions and observations.

S. ANANDA REDDY, J.

23rd June, 2004.

Note:

Issue C.C. in three days.

(B/o)

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To

- 1 The Circle Inspector of Police Bhadrachalam, Khamman District
- 2 The Station House Officer P.S.Kunavaram, Khammam District.
- 3 Two CCs to the Government Pleader for Home, High Court
Buildings,
Hyderabad.
- 4 Two CD copies.